

**UNPUBLISHED**

**UNITED STATES COURT OF APPEALS**

**FOR THE FOURTH CIRCUIT**

OWEN BOLLING,

Petitioner.

v.

DIRECTOR, OFFICE OF WORKERS'  
COMPENSATION PROGRAMS, UNITED

No. 99-1364

STATES DEPARTMENT OF LABOR;  
INDIAN MOUNTAIN COAL COMPANY;  
OLD REPUBLIC LIFE INSURANCE  
COMPANY,  
Respondents.

On Petition for Review of an Order  
of the Benefits Review Board.  
(CA-91-1705-BLA)

Submitted: August 17, 1999

Decided: September 20, 1999

Before WILKINS, NIEMEYER, and WILLIAMS, Circuit Judges.

---

Affirmed by unpublished per curiam opinion.

---

**COUNSEL**

Owen Bolling, Petitioner Pro Se. Christian P. Barber, Barry H.  
Joyner, UNITED STATES DEPARTMENT OF LABOR, Washing-  
ton, D.C.; Mark Elliott Solomons, Laura Metcoff Klaus, ARTER &  
HADDEN, Washington, D.C., for Respondents.

---

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

---

## **OPINION**

### **PER CURIAM:**

Owen Bolling seeks review of the Benefits Review Board's ("Board") decision and order affirming as modified the administrative law judge's ("ALJ") decision ordering Bolling to repay an overpayment of black lung benefits. Our review of the record discloses that the Board's decision is based on substantial evidence and is without reversible error. Contrary to Bolling's assertion on appeal, the Board had no obligation to remand this case to the ALJ for further fact-finding. The Board reviewed this case following our decision reversing and remanding with instructions to direct repayment of the overpayment if there were no contested issues to decide. Because all issues relating to the amount of the overpayment and Bolling's legal obligation to repay it were previously decided and uncontested, the Board carried out this Court's instructions and directed repayment of the overpayment.

Bolling's filings on appeal indicate that he desires modification of the decision in this case. We note that if Bolling seeks to avail himself of the remedy prescribed at 20 C.F.R. § 725.310 (1998), he must file a proper application with the district director. See 20 C.F.R. § 725.310(b) (1998). We express no opinion concerning whether modification is a viable remedy in this case. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

### **AFFIRMED**